

II. REMARKS

The amendment transfers in as new claims those claims pending in U.S. Patent Application Ser. No. 09/847,644 filed on May 2, 2001, and naming the same inventors. It is believed that no new matter has been added.

With regard to the final Office Actions in both the instant application, and in Ser. No. 09/847,644, a central issue seems to be whether a kiosk is a courier.

All claims require a courier, e.g., in claim 1:

assigning shipping information signals corresponding to a waybill for a particular shipment with a courier computer....

Neither "courier" nor "courier computer" is mentioned in Mellgren, and thus no method step or other claim element involving them is disclosed by Mellgren. However, the Office Actions seem to contend or imply that the kiosk 102 of Mellgren teaches a courier such that kiosk support computer system 106 somehow teaches a courier computer so as to constitute statutory anticipation.

As to the meaning of a courier, if there be any need to consult extrinsic evidence, the PTO can take notice of the plain and ordinary meaning of a courier, though its meaning is clear from the intrinsic evidence of the specification. A Webster's dictionary, for example, can define a courier as a "messenger." This is consistent with the intrinsic evidence of Applicant's specification, e.g., Courier Shipping Information System 41 in Fig. 1 is shown in connection with the Federal Express waybill in Applicant's Fig. 2.

Respectfully, kiosk support cannot be viewed as a courier computer. All Applicant's claims require a courier etc. Neither "courier" nor "courier computer" is mentioned in Mellgren. Therefore, statutory anticipation has not been shown based on Mellgren.

Another central issue seems to be whether a label is a waybill.

All claims require a waybill, e.g., in claim 1

printing a waybill, including the ornamental design, at a non-courier printer device.

The Examiner contends that Mellgren's label (e.g., Col. 4, line 4) teaches a waybill so as to constitute statutory anticipation. The Examiner relies on a 1984 dictionary definition of waybill defining the term as follows: "a document containing a list of goods...."

A problem with this aspect of an anticipation rejection is that Mellgren does not teach that the label (e.g., Col. 4, line 4) is one "containing a list of goods," present to the Examiner's interpretation.

There being no mention of a "courier" nor "non-courier" in Mellgren, and thus no method step or element involving them is disclosed, particularly no method step or element involving printing a waybill, as there is no teaching that Mellgren's label (e.g., Col. 4, line 4) is one "containing a list of goods," there has been no showing of statutory anticipation based on the evidence.

Consider also the claimed

assigning shipping information signals corresponding to a waybill

where the foregoing is equally applicable. With no teaching that Mellgren's label (e.g., Col. 4, line 4) is one "containing a list of goods," there has been no showing of statutory anticipation based on the evidence.

Mellgren is no more than an attempt to stretch a differently intended system into Applicant's claims by virtue of hindsight. Mellgren's kiosk has nothing to do with a courier system or its use more particularly claimed herein, and to alter Mellgren would require:

- (1) Construing the cited art inoperable for its intended purposes and
- (2) Changing the principles of operation of the cited art.

There was no motivation or suggestion in the cited art, as of the priority date of the instant application, that would have prompted one skilled in the art to make such modification to Mellgren.

This Amendment is believed to place the application in better condition for allowance and/or appeal, and favorable action is requested. If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to said office action, this shall be deemed a petition therefore. Please direct all communication to the undersigned at the address given below.

Respectfully submitted,



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